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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/501,970	02/10/2000	Christer Almqvist	00-148	4605	
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Gregory P La Pointe			EXAMINER		
Bachman & La 900 Chapel Stro	eet		TRAN, SINH N		
New Haven, C	1 06510		ART UNIT	PAPER NUMBER	
			2643 DATE MAILED: 09/25/2002	21	

Please find below and/or attached an Office communication concerning this application or proceeding.



AMOVIST, CHRISTER Continued Continued			Application No.	Applicant(a)		
## Examiner Sinh Tran 2643 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Exemence of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply to Simply filed with SLR (b) MoNTHS from the sampling date of this communication. Provision is a statutory principular date of the Communication of the sampling of the communication. Provision is a statutory principular SLR (b) MONTHS from the sampling date of this communication. If the period for reply is accelled above, the maximum statutory principular statutory		•	Application No.	Applicant(s)		
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Application/Control Number: 09/501,970

Art Unit: 2643

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 2, lines 1-2, "characteristic features as set forth in appended claim 1" should be deleted.

Appropriate correction is required.

2. The indicated allowability of claim 1 is withdrawn in view of the newly discovered reference(s) to Wood et al (5,798,922). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wieder (4,620.068) in view of Lansang (5,794,127) and further in view of Wood et al (5,798,922).

Regarding claims 6 and 7, Wieder discloses a hearing protection comprising first and second ear cup (22 and 4); headband (26); a loudspeaker in each ear cup (see Fig. 1); a microphone (36); a radio unit (34); electronic control unit (receiving and transmitting unit) actuable by a button set (microphone ON/OFF switch and squelch control switch, see col. 4, line

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to2,64,66,

17-20) located on the ear cup. Wieder fails to specifically disclose the implementation of the ON/OFF switch and the squelch switch. Lansang teaches implementing an on/off switch (two buttons -18) and channel selector control switch (two buttons -14) using two buttons (Figs. 3 and 4) wherein the buttons are functionally connected to one another. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Lansang's teaching of implementing switches by the use of two buttons to the switches of Wieder for the purpose of precise controlling. The combination of Wieder in view of Lansang fails to disclose that buttons within each group is located in a separate recess or depression.

Wood et all teaches implementing set of buttons into each group (the +-buttons; up and down buttons) wherein buttons within each group are functionally connected and is located in a separate recess or depression (the remote control 40 in Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of locating each group of button within a separate recess or depression of Wood et al. to the combination for the purpose of easily identified the buttons as to their functions.

The combination of Wieder in view of Lansang and further in view of wood et al. further discloses that the recess and buttons are disposed in a curved path adapted to the length of the wearer's fingers and in an arched surface of the cup (the headphone cups are bowl-like shape (see Wieder). Therefore, the bowl-like shape would provides an arch surface for the recess and buttons and also provides the curved surface path for the recess and the buttons).

Allowable Subject Matter

3. Claims 2-3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

- 4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sinh Tran whose telephone number is (703) 305-4040. The examiner can normally be reached on M,T&Th 9:00AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 872-9314, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Sinh Tran

Primary Examiner Art Unit 2643

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September 23, 2002